

REMARKS

Upon entry of the amendments, claims 1-5 will be all the claims pending in the application. Claims 6-9, 11 and 12 are cancelled. Claims 3-5 are amended to better recite the claimed polypeptides encoded by the claimed isolated polynucleotides and to set off each polypeptide with a numeral.

Applicant believes that the phrase “polynucleotide encoding a polypeptide which comprises the amino acid sequence of SEQ ID NO:2 or SEQ ID NO:4 and which binds to Akt-2 or a polypeptide consisting of the amino acid sequence of SEQ ID NO:2 or SEQ ID NO:4” makes technical sense only if construed to set forward the claimed polypeptides in the alternative. To advance prosecution of this case, however, the claims are amended to avoid any technically incorrect constructions. Therefore, no new issues of patentability are raised by the amendments.

The Examiner is thanked for clarifying to the undersigned some inconsistencies in the Office Action. In particular, it was agreed that the disposition of the claims shall read as follows:

1 and 2 are allowed.

3-6, 8 and 9 are rejected.

7, 11, and 12 are objected to as being dependent from rejected base claim 6.

6 , 8 and 9 are objected to for other reasons.

In the body of the Office Action, page 2, under claim objections, it should say that claims 6-9, 11 and 12 are objected to, and at page 3, line 5, the sentence “Claims 9 and 12 are objected to for depending from a rejected Claim 8” should read “Claims 7, 11, and 12 are objected to as depending from rejected claim 6, but would be allowable if amended to be in independent form.”

In the body of the Office Action, pages 4-5, it should explain that claim 9 is rejected under 35 U.S.C. § 112, as lacking written description because of its dependency upon rejected claim 8.

Consideration and entry of the amendments are respectfully requested.

Claim Objections

Under the correct disposition, claims 6-9, 11, and 12 are objected to because of certain informalities. Because these claims are canceled, the rejection is moot.

Response to Rejection under 35 U.S.C. § 112, second paragraph

Claims 3-5 and 8 are rejected under 35 U.S.C. § 112, second paragraph, for failing to set forth the subject matter which the Applicant regards as its invention. With regard to claims 3-5, the Examiner sets forth alternative constructions of the phrase “a polypeptide which comprises the amino acid sequence of SEQ ID NO:2 or SEQ ID NO:4 and which binds to Akt-2 or a polypeptide consisting of the amino acid sequence of SEQ ID NO:2 or SEQ ID NO:4.” The alternative constructions of the phrase arise from Examiner’s application of the conjunction “or” to either the claimed polypeptides or to the objects to which the first polypeptide binds.

Applicant amends claims 3-5 to better recite the claimed polypeptides encoded by the claimed isolated polynucleotides and to set off each polypeptide with a numeral.

Because claim 8 is canceled, this rejection is moot.

Response to Rejection under 35 U.S.C. § 112, first paragraph

Claims 8 and 9 are rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with both the written description requirement (Office Action, p. 4) and the enablement requirement (Office Action, p.5). Because claims 8 and 9 are canceled, this rejection is moot.

Response to Rejection under 35 U.S.C. § 102

Claim 6 is rejected under 35 U.S.C. § 102(b) as being anticipated by Mitsuuchi et al., Identification of a chromosome 3p14.3-21.1 gene, APPL, encoding an adaptor molecule that interacts with the oncoprotein-serine/threonine kinase AKT2, Oncogene, 1999, 18, 4891-4898 ("Mitsuuchi"). Because claim 6 is canceled, this rejection is moot.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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